FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7974 OF 2003

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Ashutosh Gole i/by Ms. Meenal Bhate for petitioner.

CORAM: B.H. MARLAPALLE,J.

28/06/2007.

P.C.:

. This petition impugns the decree of eviction passed by the Small Causes Court at Pune in RCS No. 246 of 1982 as per the Judgment of the trial court dated 29/4/1998 and appeal against the said judgment i.e. Regular Civil Appeal No. 492 of 1998 came to be dismissed on 11/2/2002.

. Hence the petitioner has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a

Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as withdrawn with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)